MONTANA LEGISLATIVE HISTORY

Chapter 165 19 91

Bill H _____ S 372 Original bill & history ✓ C

H. Committee on Human Services		S. Committee on Public Health	
Hearing Date(s) Mar 08	✓ C	Hearing Date(s) Feb 20	✓ C
Mar 09	✓ C	_____	C
_____	C	_____	C
_____	C	_____	C
Date Out Mar 09	✓ C	Feb 20	✓ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

SB 372 INTRODUCED BY JACOBSON, ET AL.
REQUIRE IMMUNIZATION AGAINST MENINGITIS AT PRESCHOOLS AND DAY-CARE CENTERS

2/13	INTRODUCED		
2/13	FIRST READING		
2/13	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
2/13	FISCAL NOTE REQUESTED		
2/19	FISCAL NOTE RECEIVED		
2/20	HEARING		
2/20	FISCAL NOTE PRINTED		
2/23	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/25	2ND READING PASSED	49	0
2/26	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO HUMAN SERVICES & AGING		
3/08	HEARING		
3/09	COMMITTEE REPORT—BILL CONCURRED		
3/12	2ND READING CONCURRED	97	1
3/14	3RD READING CONCURRED	98	2
	RETURNED TO SENATE		
3/20	SIGNED BY PRESIDENT		
3/21	SIGNED BY SPEAKER		
3/22	TRANSMITTED TO GOVERNOR		
3/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 165		
	EFFECTIVE DATE: 07/01/91 - SECTIONS 1, 2		
	EFFECTIVE DATE: 03/26/91 - SECTIONS 3, 4		

SB 373 INTRODUCED BY GAGE
GENERALLY REVISING THE TAXATION OF OIL AND GAS
BY REQUEST OF DEPARTMENT OF REVENUE

2/13	INTRODUCED		
2/14	FIRST READING		
2/14	REFERRED TO TAXATION		
2/14	FISCAL NOTE REQUESTED		
2/20	FISCAL NOTE RECEIVED		
2/21	FISCAL NOTE PRINTED		
3/18	HEARING		
4/05	TABLED IN COMMITTEE		

SB 374 INTRODUCED BY B. BROWN, ET AL.
ELIMINATE THE GAMING ADVISORY COUNCIL

2/13	INTRODUCED		
2/14	FIRST READING		
2/14	REFERRED TO JUDICIARY		
2/14	FISCAL NOTE REQUESTED		
2/18	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED		
2/18	FISCAL NOTE RECEIVED		
2/19	FISCAL NOTE PRINTED		
2/20	2ND READING DO PASS MOTION FAILED	21	28
2/20	2ND READING INDEFINITELY POSTPONED	31	18

SB 375 INTRODUCED BY B. BROWN
PROVIDE THAT MEMBERS OF STATE TAX APPEAL BOARD SHALL COMPLETE PROPERTY APPRAISAL TRAINING WITHIN ONE YEAR OF APPOINTMENT

2/13	INTRODUCED
2/14	FIRST READING

SENATE BILL NO. 372

INTRODUCED BY JACOBSON, MESSMORE, HANSEN,
WATERMAN, BARNHART, J. BROWN

IN THE SENATE

FEBRUARY 13, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY.
	FIRST READING.
FEBRUARY 23, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 25, 1991	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 26, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
	FIRST READING.
MARCH 9, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 12, 1991	SECOND READING, CONCURRED IN.
MARCH 14, 1991	THIRD READING, CONCURRED IN. AYES, 98; NOES, 2.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 15, 1991	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

SENATE BILL NO. 372

INTRODUCED BY [illegible] Wyman Watt B Bankhurt J. Brown

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CHILDREN ENTERING A PRESCHOOL OR LICENSED DAY-CARE FACILITY BE IMMUNIZED AGAINST MENINGITIS; AND AMENDING SECTIONS 20-5-403, 20-5-404, AND 52-2-723, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-5-403, MCA, is amended to read:

"20-5-403. Immunization required -- release and acceptance of immunization records. (1) The governing authority of any school other than a postsecondary school may not allow any person to commence attendance as a pupil unless the person:

(a) has been immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and measles (rubeola) in the manner and with immunizing agents approved by the department, except that pertussis vaccination is not required for a person 7 years of age or older;

(b) has been immunized against Haemophilus influenza type "b" before enrolling in a preschool if under 5 years of age;

~~(b)~~(c) qualifies for conditional attendance; or

~~(c)~~(d) files for an exemption.

(2) (a) The governing authority of a postsecondary school may not allow any person to commence attendance as a pupil unless the person:

(i) has been immunized against rubella and measles (rubeola) in the manner and with immunizing agents approved by the department; or

(ii) files for an exemption.

(b) The governing authority of a postsecondary school may impose immunization requirements as a condition of attendance that are more stringent than those required by this part.

(3) A pupil who transfers from one school district to another may photocopy immunization records in the possession of the school of origin. The school district to which a pupil transfers shall accept the photocopy as evidence of immunization. Within 30 days after a transferring pupil ceases attendance at the school of origin, the school shall send the original immunization records for the pupil to the school district to which the pupil transfers."

Section 2. Section 20-5-404, MCA, is amended to read:

"20-5-404. Conditional attendance. The governing authority of a school other than a postsecondary school may allow the commencement of attendance in school by a person who has not been immunized against each disease listed in 20-5-403 if that person has received one or more doses of

INTRODUCED BILL
SB 372

polio, measles (rubeola), mumps, rubella, diphtheria, pertussis, Haemophilus influenza type "b", and tetanus vaccine, except that pertussis vaccine is not required for a person 7 years of age or older and Haemophilus influenza type "b" vaccine is required only for children under 5 years of age."

Section 3. Section 52-2-723, MCA, is amended to read:

"**52-2-723. Requirements for licensure.** (1) The department shall include in the minimum standards for day-care centers the following requirements:

(a) The applicant, his employees, and all those persons who will come in direct contact with the children are of good character.

(b) The staff of the day-care facility is sufficient in number as provided by rule to provide adequate supervision and care of the children in the facility.

(c) Essential programs and practices carried on by the facility staff are developed and carried out with due regard for the protection of the health, safety, development, and well-being of the children.

(d) Applicant and staff are qualified by practical experience or education or training to give good care and treatment to the children.

(e) Intake records are kept on each child admitted for care.

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(f) The applicant and staff limit admissions to the maximum number indicated on the current license.

(g) The applicant will arrange for the necessary precautions to guard against communicable diseases.

(h) The applicant shall require proof that a child under 5 years of age has been immunized against Haemophilus influenza type "b" before admitting the child for care in the facility.

~~(h)~~(i) Public liability insurance and fire insurance are currently in force for the protection of the operator, his staff, and the facility.

~~(i)~~(j) Specify the ages and numbers of children that may be cared for in a day care facility.

(2) It is the duty of the department or its authorized representative to assist applicants in meeting the minimum requirements."

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15
In compliance with a written request, there is hereby submitted a Fiscal Note for SB0372, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring that children entering a preschool or licensed day-care facility be immunized against meningitis; and amending Sections 20-5-403, 20-5-404, and 52-2-723, MCA.

ASSUMPTIONS:

Department of Family Services:
1. DFS current licensing standards require day-care providers to have a checklist of immunizations required from day-care applicants on a form provided by DFS.
2. Adding this category to the current DFS form will not have a fiscal impact on DFS.

Department of Health and Environmental Sciences:
3. This will have no impact on the Immunization Program of the DHES.

Superintendent of Public Instruction:
4. No fiscal impact on state or school districts for the additional immunization requirement.

FISCAL IMPACT:

None.

2-18-91
ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

2/20/91
JUDY H. JACOBSON, PRIMARY SPONSOR DATE

Fiscal Note for SB0372, as introduced SB 372

Due to time constraints the chairman asked the remaining opponents to stand and introduce themselves:

The fourth witness was Larry Akey, representing the Montana Association of Life and Health Underwriters.

The fifth witness was James Tutweiler, representing the Montana Chamber of Commerce.

Questions From Committee Members:

The chairman recognized Senator Pipinich who asked Chuck Butler about the state insurance plan.

Mr. Butler said they administer the state plan under competitive bid. The state program has a benefit of $75.00 for well baby care from 0 - 12 months. In year 2, another $75.00 or a total of $150.00 for the first 2 years.

Senator Towe asked if there was any mandated coverage he would agree to.

Mr. Butler said if there are mandated benefit's that deserve consideration they are mammograms and well child care. As he indicated the HMO covers both.

Closing by Sponsor:

Senator Jacobson closed by saying that well baby care is well defined as to the needs of the child unlike other mandated benefits to persons that become ill. You can define what is reasonable for a child. Well baby care really isn't what would drive up the costs of a premium. The babies won't come in as sickly as often as babies that do not get that kind of care. The federal government is going in the direction of well baby care through the mandates of the Medicaid program. You have seen that well baby care is included in the state plan for mandated coverage. Everyone rates well baby care as a high priority of that basic insurance package. She told the committee she would have amendments.

HEARING ON SENATE BILL 372

Presentation and Opening Statement by Sponsor:

Senator Jacobson opened by saying this bill was requested by her daughter who is presently teaching at a daycare center and she wanted to know why the State of Montana is not mandating the common bacterial meningitis vaccine. This is the most common bacterial meningitis in children from the ages of 2 months to 5 years of age in the United States. The onset can be sudden and the symptoms are those of fever and vomiting.

Progressive stupor or coma is common. The infection agent may also cause pneumonia and infections in other body systems such as blood, joints, bones and soft tissue. The occurrences are most prevalent in the 2 month to 3 year age group. The peak incident in the U.S. is in children 6 - 12 months of age. About 12,000 cases occur in the U.S. each year. Secondary cases may also occur in families in daycare centers. Montana has reported approximately 70 cases since 1986. That may sound like a small amount but one child in 20 dies of it and one out of four suffers permanent brain damage. Fifteen states require proof of immunization for admission to licensed daycare centers. This bill is asking that proof of immunization be offered both in a preschool setting and in a licensed daycare in Montana.

Proponents' Testimony:

The first witness was Dr. Jeff Strickler, a physician from Helena and representing the Montana Chapter of the American Academy of Pediatrics. He said the bacteria that Senator Jacobson discussed, is treatable and preventable. He said he supported the bill. The immunization rates for children after they enroll in school are excellent because of the statutory obligation of the rules written by the Department of Health. This is a small children's disease, the infection occurs primarily before age 5. It is a serious disease, untreated most cases go on to death or severely handicapped conditions. It can be treated by antibiotics. At least 10 percent of the children die, 40 percent are brain damaged and may be deaf. The immunization became available in 1984. Prior to that time the incidents in Helena were between 6 to 8 cases per year in Shodair Hospital. Now there is less than 1 per year because of immunizations. It works and it makes sense.

The second witness was Paulette Kohman, representing the Montana Council for Maternal and Child Health. She said they support this bill.

Opponents' Testimony:

The first witness was Les Conger, representing the Christian Science Churches of Montana. See Exhibit #7 for a copy of his testimony. He said he would like to see an amendment that would provide a religious exemption.

Questions From Committee Members:

Senator Towe asked Senator Jacobson if she agreed with Mr. Conger's religious exemption recommendation.

Senator Jacobson said she agreed. In the case of a preschool it would be inserted into the rules applying to immunizations for schools. In the case of daycare, we inserted it into their licensing requirements.

Senator Jacobson said if the Department of Health is willing to add this to their rules then the committee can drop that section of the bill. If it is done by rule instead of by law than we can strike section 3 in it's entirety.

The chairman recognized Dick Paulsen, representing the Department of Health who said he had a draft of the daycare rules and it follows the same wording for use of religious exemptions.

Closing by Sponsor:

Senator Jacobson closed by thanking the committee for a good hearing.

HEARING ON SENATE BILL 393

Presentation and Opening Statement by Sponsor:

Senator Ed Kennedy opened by reading from Exhibit #8.

Proponents' Testimony:

The first witness was Roger Tippy, representing the Montana State Pharmaceutical Association. See Exhibit #9 for a copy of his testimony.

Opponents' Testimony:

The first witness was Rose Hughes, executive director of the Montana Health Care Association. She said she would prefer to testify as neither an opponent nor a proponent. She said they have concerns but not an official position. SB 393 goes beyond the scope and requirements of the federal law. The nursing home community is concerned about the patient counseling aspect of the bill. Logistically, it appears that the provisions in this bill apply to hospitals and nursing homes. If you have 100 or 200 patients who are on a variety of drugs prescribed by doctors and the prescriptions are sent to the pharmacy, they are delivered to the patients and administered by the nursing staff and at what point will the pharmacists come to the nursing home and counsel all the patients. How will this work in an institutional setting. There are very stringent federal regulations relating to drug regiment and review. They have licensed pharmacists as consultants who review the medications on a monthly basis. They are concerned this will be another layer of regulation.

The second witness was Steve Meloy, Bureau Chief of the Professional and Occupational Licensing Bureau, Department of Commerce. He said his interest is fiscal in nature. He said the title suggests they will be required to license out-of-state mail service pharmacy's and he expressed his concern to the sponsor of the bill. There has not been a fiscal note requested.

costs aren't absorbent and it wouldn't benefit people in the long run.

HEARING ON SB 372

Presentation and Opening Statement by Sponsor:

SEN. JUDY JACOBSON, Senate District 36, Butte, stated that this bill would ask that children who are entering daycare and preschool receive vaccination for spinal meningitis and have proof of that from a physician. Meningitis is the most common bacteria in children from two months to five years of age in the United States. Montana has reported approximately 70 cases of HIB disease since 1986. About 1 child in 20 with meningitis dies from HIB. 1 in 4 children die from meningitis. According to the Centers for Disease Control there are 15 other states requiring proof of immunization against HIB. The Department of Health and Environmental Sciences would adopt rules for licensed daycare centers, since we don't license preschools, we have to put that directly into the statutes themselves.

Proponents' Testimony:

Paulette Kohman, Montana Council for Maternal and Child Health, supports SB 372.

Jerome Loendorf, submitted written testimony for **Jeffrey H. Strickler, M.D.** EXHIBIT 18

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor: **SEN. JACOBSON** closed on SB 372.

HEARING ON SB 381

Presentation and Opening Statement by Sponsor:

SEN. JUDY JACOBSON, Senate District 36, Butte, stated that this bill sets up an allied health care board to deal with different groups. The board will have two Naturopath's, two Lay Midwives, one public member. The Lay Midwives want to have a physician whose present practice includes obstetrics on the board.

Proponents' Testimony:

Mona Jamison, Montana Midwifery Association, stated that there are three Midwives on their board, a citizen member, one physician who practices obstetrics. The reason for this is that there are no problems with the physician, as far as the obstetrical experience to the development of the rules and other procedures. We prefer having the nonvoting physician with the obstetrical expertise, rather than not have a physician without the expertise.

EXECUTIVE ACTION ON SB 372

Motion: REP. STICKNEY MOVED SB 372 BE CONCURRED IN.

Discussion:

REP. BROWN asked if meningitis and hemophilus were the same thing and whether the answer to that question was properly reflected in the bills title. David Niss stated that the term as used in the bill "the strain from the virus" was only a technical name for what is included in the title. If there are two or more strains of the bug and meningitis is only a generic description of all of them, as opposed to a general description of one of them, then perhaps we do need to change the title to accurately reflect the strain that is being vaccinated for, but the bill requires vaccination for only that particular bug, because the title has no legal effect. REP. SQUIRES stated that she doesn't believe that if we could just guarantee that we are only going to vaccinate for this particular one and not force every child to have a multiple shot.

Vote: Motion carried 19-1 with REP. KASTEN voting no.

ADJOURNMENT

Adjournment: 2:15 p.m.

ANGELA RUSSELL, Chair

Jeanne Krumm, Secretary

AR/jck

HOUSE OF REPRESENTATIVES

HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL DATE 3-9-91

NAME	PRESENT	ABSENT	EXCUSED
REP. ANGELA RUSSELL, CHAIR	✓		
REP. TIM WHALEN, VICE-CHAIR		✓	
REP. ARLENE BECKER	✓		
REP. WILLIAM BOHARSKI	✓		
REP. JAN BROWN	✓		
REP. BRENT CROMLEY	✓		
REP. TIM DOWELL	✓		
REP. PATRICK GALVIN	✓		
REP. STELLA JEAN HANSEN		✓	
REP. ROYAL JOHNSON		✓	
REP. BETTY LOU KASTEN	✓		
REP. THOMAS LEE	✓		
REP. CHARLOTTE MESSMORE			✓
REP. JIM RICE		✓	
REP. SHEILA RICE	✓		
REP. WILBUR SPRING		✓	
REP. CAROLYN SQUIRES	✓		
REP. JESSICA STICKNEY	✓		
REP. BILL STRIZICH	✓		
REP. ROLPH TUNBY	✓		

CS05HUMSER.MAN

HOUSE STANDING COMMITTEE REPORT

March 9, 1991

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 372 (third reading copy -- blue) be concurred in .

Signed: _____
Angela Russell, Chairman

Carried by: Rep. [illegible]